

**STATE OF MAINE  
DEPARTMENT OF MARINE RESOURCES**

**IN THE MATTER OF THE APPLICATION )  
OF PEMAQUID OYSTER COMPANY FOR )  
RENEWAL OF AN AQUACULTURE LEASE )  
LOCATED SOUTH-SOUTHWEST OF )  
COTTAGE POINT IN THE DAMARISCOTTA )  
RIVER, DAMARISCOTTA, LINCOLN )  
COUNTY, MAINE )**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
DECISION**

On July 29, 2002, Pemaquid Oyster Company applied for the renewal of an aquaculture lease issued on February 19, 1993. The Company requested a ten-year renewal, to February 18, 2013, of a 3.50-acre bottom culture lease located south-southwest of Cottage Point in the Damariscotta River, Damariscotta, Lincoln County, Maine.

Notice of the application for lease renewal was published in the February 2003 issue of Commercial Fisheries News and the January 16, 2003 and January 30, 2003 issues of the Lincoln County News. Members of the public, riparians and interested persons were given to February 15, 2003 to request a hearing on the application for lease renewal. No requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease may be renewed unless the lessee has not complied with the original lease agreement during its term, substantially no aquaculture or research has been conducted, the Commissioner finds that it is not in the best interest of the state to renew the lease taking into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest, or that the renewal will cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 250 acres.

Pemaquid Oyster Company has complied with the lease agreement during its ten-year term. It has conducted shellfish aquaculture on the site. There are no known conflicts with other

new or existing uses of the area. Additionally, the renewal of this lease will not cause Pemaquid Oyster Company to lease more than 250 acres.

Finally, in order for the Department to locate the lease site using modern location finding technology, i.e., Differential Global Positioning Systems, the lease description has been converted to Datum NAD83 and Degrees True. While the original site location shall remain the same, the following lease description shall replace the description set forth in the original lease document:

Starting at the prominent solitary boulder protruding approximately 8' above mean low water and 625' SSW of Cottage Point, Damariscotta, Maine (Latitude 44° 00' 56.988"N, Longitude 69° 32' 35.908"W, North American Datum 1983 – NAD83), the Point of Beginning; thence 282.4°True, a distance of 300 feet to a point (Latitude 44° 00' 57.624"N, Longitude 69° 32' 39.918"W); thence 12.37°True, a distance of 250 feet to a point (Latitude 44° 01' 00.036"N, Longitude 69° 32' 39.185"W); thence 102.37°True, a distance of 200 feet, to a point (Latitude 44° 00' 59.613"N, Longitude 69° 32' 36.512"W); thence 170.57°True, a distance of 269.45 feet to the Boulder and Point of Beginning (Tract #1).

Starting at a prominent solitary boulder protruding approximately 8' above mean low water and 625' SSW of Cottage Point, Damariscotta, Maine (Latitude 44° 00' 56.988"N, Longitude 69° 32' 35.908"W, North American Datum 1983 – NAD83); thence 192.37°True, a distance of 145 feet to the Point of Beginning (Latitude 44° 00' 55.589"N, Longitude 69° 32' 36.333"W); thence 192.37°True, a distance of 145 feet to a point (Latitude 44° 00' 54.190"N, Longitude 69° 32' 36.758"W); thence 282.37°True, a distance of 176 feet to a point (Latitude 44° 00' 54.562"N, Longitude 69° 32' 39.111"W); thence 337.77°True, a distance of 176 feet to a point (Latitude 44° 00' 56.171"N, Longitude 69° 32' 40.022"W); thence 102.33°True, a distance of 275.95 feet to the Point of Beginning (Tract #2).

Starting at a prominent boulder on the highest point of land on the southern end of the Goose Ledges, Damariscotta River, Damariscotta, Maine (Latitude 44° 00' 51.988"N, Longitude 69° 32' 44.908"W, North American Datum 1983 – NAD83); thence 292.37°True, a distance of 100 feet to the Point of Beginning (Latitude 44° 00' 52.364"N, Longitude 69° 32' 46.173"W); thence 292.37°True, a distance of 130 feet to a point (Latitude 44° 00' 52.853"N, Longitude 69° 32' 47.818"W); thence 22.37°True, a distance of 360 feet to a point (Latitude 44° 00' 56.141"N, Longitude 69° 32' 45.943"W); thence 292.37°True, a distance of 50 feet to a point (Latitude 44° 00' 56.329"N, Longitude 69° 32' 46.576"W); thence 202.37°True, a distance of 560 feet to a point (Latitude 44° 00' 51.215"N, Longitude 69° 32' 49.492"W); thence 112.37°True, a distance of 180 feet to a point (Latitude 44° 00' 50.538"N, Longitude 69° 32' 47.214"W); thence 22.37°True, a distance of 200 feet to the Point of Beginning (Tract #3).

This new description sets forth the same boundaries of the original lease site, but is more precise and can be easily located through the use of modern technology.

### **Decision**

The Commissioner of Marine Resources grants the application of Pemaquid Oyster Company for renewal of the 3.5-acre aquaculture lease located in the Damariscotta River, Damariscotta, Maine, for a period of ten years, to February 18, 2013. In the renewal of this lease, Pemaquid Oyster Company is subject to the same terms, conditions, and obligations as set forth in the original lease.

**Dated:** \_\_\_\_\_

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**George D. Lapointe (Commissioner)**  
**Department of Marine Resources**